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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B. E. P. Q. 485]

SEC. 301.72a—ADMINISTRATIVE INSTRUCTIONS

REMOVAL OF WHITE-FRINGED BEETLE CERTIFICATION REQUIREMENTS UNTIL JULY 1, 1939, FOR SPECIFIED ARTICLES CONSIGNED FROM DESIGNATED PORTIONS OF THE REGULATED AREAS

Approved January 14, 1939; Effective January 15, 1939

Under authorization provided in Notice of Quarantine No. 72 (Sec. 301.72), all certification requirements are hereby waived during the regulated periods from January 15 to June 30, 1939, inclusive, of the following articles renumbered in Regulation 3 (a) and (b) (Sec. 301.72-3),¹ when free from soil and when consigned from any of the regulated areas in the

County of Mobile, Ala.,
County of Escambia, Fla.,
Parish of East Baton Rouge, La.,
Counties of Hinds, Jackson, and Pearl River, Miss.,

it having been determined that sanitary measures and natural conditions have sufficiently reduced the risk of egg or adult contamination as to render certification unnecessary during the periods indicated:

Potatoes and sweetpotatoes.
Sweetpotato vines, draws, and cuttings.
Cordwood, pulpwood, stumpwood, and logs.

Used or unused lumber, timbers, posts, poles, crossties, and other building materials.

Hay, roughage of all kinds, straw, leaves, and leafmold.

¹ 3 F. R. 3005 DL.

Peas, beans, and peanuts in shells, or the shells of any of these products.
Seed cotton, cottonseed, baled cotton lint, and linters.

Used implements and machinery, scrap metal, junk, and utensils or containers coming in contact with the ground.

Brick, tiling, stone, and concrete slabs and blocks.

Nursery stock and other plants, which are free from soil.

The restrictions on the interstate movement from any of the regulated areas, of the following articles designated in paragraph (a) (1) of Regulation 3 of Quarantine No. 72 (Sec. 301.72-3), as carriers of larvae remain in effect throughout the year:

Soil, earth, sand, clay, peat, compost, and manure whether moved independent of, or in connection with or attached to nursery stock, plants, products, articles, or things.

(Sec. 301.72) [B. E. P. Q. 485, Jan. 14, 1939]

[SEAL]

LEE A. STRONG,
Chief.

[F. R. Doc. 39-244; Filed, January 20, 1939; 2:49 p. m.]

AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Cotton 228]

PART 714—REGULATIONS PERTAINING TO REFUNDS OF PENALTIES ERRONEOUSLY, ILLEGALLY, OR WRONGFULLY COLLECTED WITH RESPECT TO MARKETING IN EXCESS OF MARKETING QUOTAS *

COTTON MARKETING QUOTA PROVISIONS

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714.21 Who may claim.
714.22 Execution and filing of claim.
714.23 Certificate of operator.
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* Sections 714.21 to 714.29 issued under the authority contained in Section 372 (c), 52 Stat. 204.

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By virtue of the authority vested in the Secretary of Agriculture by section 372 (c) of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938, as amended), I, H. A. Wallace Secretary of Agriculture, do hereby make, prescribe, publish, and give public notice of the following regulations pertaining to the refund of penalties with respect to the marketing of cotton collected pursuant to sections 348 and 372 (a) and (b) of said act which are found to have been erroneously, illegally, or wrongfully collected, which regulations shall be in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said act.

SEC. 714.21 *Who may claim.* Claim for refund of any sum of money erroneously, illegally, or wrongfully collected as a penalty with respect to the marketing of cotton and paid to the Secretary of Agriculture may be made by:

(1) Any person who, as a person entitled to share in the price or consideration received by the producer with respect to any sale, barter, or exchange of cotton from which a deduction was made in order to provide or allow for payment of the penalty, bears the whole or a part of the burden of such deduction;

(2) Any person who, as a person entitled to share in the price or consideration received by the producer with respect to any sale, barter, or exchange of cotton, paid the whole or any part of the penalty thereon and has not been reimbursed therefor;

(3) Any person who paid the whole or any part of the penalty on any sale, barter, or exchange of cotton and bears the burden thereof because he did not deduct such amount from the price or consideration received by the producer in connection therewith and has not been reimbursed therefor by the producer or otherwise; or

(4) Any person who paid the whole or a part of the penalty as a surety on a bond given to secure the payment of penalties as provided under Sec. 722.43 (507) of the Regulations Pertaining to Cotton Marketing Quotas for the 1938-1939 Marketing Year, issued June 25,

1938 (Cotton 207),¹ and has not been reimbursed by his principal or otherwise.

In any case where more than one person is entitled to file a claim a joint claim may be filed by all such persons, but if separate claims are filed by them or any of them no such claim shall be approved until the interest of every person is determined.*

SEC. 714.22. *Execution and filing of claim.* Claim for refund shall be made on form Cotton 229 and shall be filed in the county office within one year after the date when payment was made to the Secretary of Agriculture of the penalty with respect to which claim is made, which shall be deemed to be the date when the payment of such penalty was received by the Comptroller. Full and complete information shall be given on form Cotton 229 with respect to the sale, barter, or exchange of cotton with which the claim is concerned; the name, address, and proportionate share in the amount claimed of every person who had an interest in the price or consideration paid for the cotton and of every person who bore or bears any part or all of the burden of such penalty; and the reasons why such penalty is claimed to have been erroneously, illegally, or wrongfully collected. There should be attached to the claim all documentary evidence having any bearing upon it which is not of record in the county office. Forms Cotton 229 shall be executed by principals, agents, and fiduciaries in accordance with ACP-16, "Instructions on Signatures and Authorizations."*

SEC. 714.23 *Certificate of operator.* Where the claim is made by a producer other than an operator, either the Certificate of Operator on form Cotton 229 must be executed by the person who, at the time of the sale, barter, or exchange of the cotton with which the claim is concerned, was the operator of the farm on which it was produced, or a satisfactory explanation must be included in or attached to such form as to why such certificate is not executed, which explanation in order to be regarded as satisfactory shall be accompanied by a certificate of the County Committee that it is satisfied with such explanation.*

SEC. 714.24 *Trustee.* Where there is more than one claimant and all the claimants desire to appoint a trustee to receive and distribute any payment to be made to them under the claim, such trustee shall be appointed in Form No. AAA-381 or -382, and the person so designated shall execute the Acceptance of Trust on said form.*

SEC. 714.25 *Certification by County Committee.* Immediately upon receipt of a claim the County Committee shall record on the face thereof in the space provided the date of its receipt. The committee shall determine on the basis of information available to it whether the data and representations on the

¹ 3 F. R. 1569 DI.

claim are correct and approve or disapprove it accordingly, and one of its members shall on behalf of the committee certify such finding in the space provided. Whether it approves or disapproves the claim, the committee shall promptly transmit it through the State office to the appropriate Regional Division of the Agricultural Adjustment Administration, Washington, D. C.*

SEC. 714.26. Examination of claim. The appropriate Regional Division shall examine the claim and make such investigation as may be necessary. After consideration of the claim, the Director of the division, or an officer or employee designated by him in writing, shall endorse thereon each amount recommended for payment and the name and address of the proposed payee, stating the reason therefor, and shall submit the claim to the Solicitor of the Department of Agriculture for legal approval. Claims approved by the Solicitor, or an officer or employee designated by him in writing, shall be transmitted to the Comptroller for approval. If the claim is not recommended or approved for payment, the Director of the Regional Division shall notify the claimant that his claim has been rejected.*

SEC. 714.27 Certification by Comptroller. The Comptroller, for and on behalf of the Secretary of Agriculture, shall certify on Form 38-AAA-11, Public Voucher for Refunds of Marketing Penalties, and on Form 38-AAA-10, Public Voucher for Refunds of Marketing Penalties—Continuation Sheet, to the Secretary of the Treasury of the United States for payment all claims for refund as have been approved.*

SEC. 714.28 Instructions and forms. The Administrator of the Agricultural Adjustment Administration shall cause to be prepared and issued with his approval such instructions and forms as may be required to carry out these regulations.*

SEC. 714.29 Definitions. As used in these regulations and in all forms and documents in connection therewith, unless the context or the subject matter otherwise requires the following terms shall have the following meanings and the masculine shall include the feminine and neuter gender and the singular the plural person:

Act: the Agricultural Adjustment Act of 1938 and any amendments thereto.

Regulations: these regulations, Secs. 714.21-714.29.

County Committee: the respective County Agricultural Conservation Committee utilized under the act.

County office: the office of the County Committee.

State office: the central office of the Agricultural Adjustment Administration for the State.

Comptroller: the Comptroller (or Acting Comptroller) of the Agricultural Adjustment Administration, United States Department of Agriculture.

Secretary of Agriculture: the Secretary of Agriculture of the United States.

Claim: a request for refund of penalty made on form Cotton 229.

Claimant: any person who makes claim on form Cotton 229.

Penalty: an amount of money collected with respect to the marketing of cotton pursuant to the act, and paid to the Secretary of Agriculture, from or on account of any person.

Farm marketing quota or quota: the cotton marketing quota established under Title III of the act for the farm for the year with respect to which the penalty involved in the claim was paid.

Person: an individual, partnership, firm, corporation, joint-stock company, association, trust, or estate, or any agency of a State Government or the Federal Government.

Farm: the farm for which the marketing quota involved in the claim was established.

Producer: a person who, as owner, landlord, tenant, sharecropper, or laborer, was entitled under the terms of his tenure or rental or cropping agreement relating to the production of cotton to share in any of the cotton marketed from the farm.

Operator: the producer who was in charge of the farming operations on the farm as a whole at the time when the cotton involved in the claim was sold, bartered, or exchanged.*

Done at Washington, D. C., this 20th day of January 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-253; Filed, January 21, 1939; 12:35 p. m.]

PART 721—PROCLAMATIONS AND DETERMINATIONS RELATING TO CORN ALLOTMENTS

REGULATIONS GOVERNING THE DETERMINATION OF 1939 FARM CORN ACREAGE ALLOTMENTS UNDER TITLE III OF THE AGRICULTURAL ADJUSTMENT ACT OF 1938, AS AMENDED*

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Sec.	
721.111	Determination of farm corn acreage allotments for 1939.
721.112	Determination of individual farm corn yields.
721.113	Miscellaneous provisions applicable to farm corn acreage allotments and yields.
721.114	Definitions.

By virtue of the authority vested in the Secretary of Agriculture by Sections 301, 329, and 375 of the Agricultural Adjustment Act of 1938, as amended, I do prescribe the following regulations appli-

*Sections 721.111 to 721.114 issued under the authority contained in Sec. 329 (b), 52 Stat. 52, Sec. 375 (b), 52 Stat. 66, Sec. 301 (b) 13 (E), 52 Stat. 202.

cable for determining farm corn acreage allotments for the 1939 crop in counties in the commercial corn-producing area under Title III of said Act, to be in force and effect until rescinded, amended, or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.

The applicable provisions of the Act in Section 329, paragraph (b), provide that

The acreage allotment to the county for corn shall be apportioned by the Secretary, through the local committees, among the farms within the county on the basis of tillable acreage, crop-rotation practices, type of soil, and topography.

SEC. 721.111 Determination of farm corn acreage allotments for 1939. The county committee, with the assistance of other local committees in the county and subject to the approval of the State committee, shall determine farm acreage allotments of corn for farms in the commercial corn-producing area for the calendar year 1939 on the basis of tillable acreage, crop rotation practices, type of soil, and topography of the farm land as follows:

(a) **Determination of corn areas within a county.** In counties in which the county committee, with the approval of the State committee, determines that there exist two or more distinct types of land with respect to adaptation to the production of corn, area determinations will be made. Land best adapted to the production of corn because of soil types or distinguishing characteristics, such as overflow or river bottom land, will be designated as Area "A". Land less adapted to the production of corn, such as uplands, will be designated as Area "B". Counties in which no distinct difference exists with respect to soil types or topographical characteristics will not have area determinations.

(b) **Determination with respect to tillable acreage and crop rotation practices.** As a basis for giving consideration to tillable acres and crop rotation practices in the apportionment of the county corn acreage allotment to farms, the county committee shall first determine for each farm the usual acreage of corn. This acreage shall be the average acreage of corn planted (plus the acreage determined by the county committee to have been diverted from the production of corn under the agricultural conservation programs) during the years 1936 and 1937. If the county committee finds that the acreage planted to corn in such years, 1936 and 1937, (1) was abnormally low due to extreme drought or flood or to part of the 1939 cropland being previously devoted to other than cropland uses; (2) is not typical of the farm for 1939 due to a change in the customary crop rotation practices; (3) is not typical because a part of the cropland on the farm was devoted to the production of sweet corn for canning under contract for 1936 or 1937, or both, and is not under similar contract for 1939; (4)

was abnormally high due to failure of soil-conserving crops; (5) was abnormally high because a part of the 1939 non-cropland was previously devoted to cropland uses; (6) was abnormally high because a part of the cropland on the farm is under contract for the production of sweet corn for canning or popcorn for 1939 and was not under similar contract in 1936 or 1937, or both; or (7) was abnormally high because an unusually large acreage was planted to corn in 1936 or 1937 due to winter killed wheat acreage, then the usual acreage of corn for the farm shall be determined by applying to the cropland acreage for such farm in 1939 a county factor determined by dividing the county average of corn planted in 1936 and 1937 by the total cropland for the county.

In counties having area determinations, the factor for deriving the usual acreage shall be based upon the area total average acreage of corn planted in 1936 and 1937 divided by the area total cropland. A separate factor shall be used for each area in the county.

(c) *Determinations with respect to type of soil and topography.* As a basis for giving consideration to types of soil and topography in the apportionment of the county corn acreage allotment to farms, the county committee shall determine for each farm the indicated corn acreage which shall represent the acreage of corn that should be planted in the light of good soil management for the particular types of soil comprising the farm and the erodibility as related to the topography of the farm land. Such indicated acreage shall be given equal weight with the usual acreage of corn for the farm in the determination of the farm corn acreage allotment.

(d) *Adjustment to county acreage allotment.* The farm averages of the usual acreage of corn, determined under paragraph (b) of this section, and the indicated corn acreage, determined under paragraph (c), adjusted pro rata to equal the county acreage allotment, shall be the farm acreage allotments, except that if the committees determine that the allotment so derived does not represent the corn acreage which the farm might reasonably be expected to utilize in 1939, the committees shall recommend a corn acreage for the farm which shall not be greater than the allotment established by the procedure.*

Sec. 721.112 *Determination of individual farm corn yields.* Individual farm yields for corn shall be determined on the basis of the historical record for the farm for the period 1929-1938, inclusive, or, where accurate corn yield records are not available, the farm yield will be determined by appraisal. Individual farm corn yields shall be weighted by the individual corn acreage allotments and adjusted to meet the county corn yield. This adjustment will be made on a minor civil division basis in the following manner:

The individual farm yield for corn is determined on the basis of the historical record for the farm for the period 1929-1938, inclusive, or where accurate corn yield records are not available, the farm yield will be determined by appraisal. Individual farm corn yields weighted by the individual farm corn allotments are factored to the county average corn yield on a township basis. This is done by applying to the established yields for each farm a factor derived as follows:

(1) Multiply the yield established for each minor civil division by the minor civil division total of the corn acreage allotments established for the farm in each respective minor civil division.

(2) Add the minor civil division extensions obtained by multiplying each individual corn acreage allotment by the yield established for the farm.

(3) Divide the result in (1) for each minor civil division by the result in (2) for each respective minor civil division and round to four decimal places.*

Sec. 721.113 *Miscellaneous provisions applicable to farm corn acreage allotments and yields—(a) Opportunity to furnish data.* Any person owning or operating a farm in a commercial corn-producing county may submit to the county committee any information or data which is relevant to the factors to be taken into consideration by the county committee in determining the farm corn acreage allotment and yield.

(b) *Appeals.* Any person who is dissatisfied with the determination of the county committee with respect to the corn acreage allotment and/or yield for any farm in which he has an interest may, within 15 days after notice of such allotment is forwarded to or available to him, appeal from such determination by following the procedure governing appeals under the 1938 Agricultural Conservation Program.

(c) *Instructions and forms.* The Administrator of the Agricultural Adjustment Administration shall cause to be prepared and issued with his approval such instructions and forms as may be required to carry out these regulations.*

Sec. 721.114 *Definitions.* As used in these regulations and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the meaning ascribed:

(a) The term "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto.

(b) The term "Secretary" means the Secretary of Agriculture of the United States.

(c) The term "Department" means the United States Department of Agriculture.

(d) The term "commercial corn-producing area" means that area determined and established by Sec. 721.101 (the proclamation of commercial corn-producing area for the year 1939) made

by the Secretary of Agriculture December 30, 1938.

(e) The term "farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land operated by the same person (as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land), the inclusion of which is requested or agreed it, within the time and in the manner specified by the Agricultural Adjustment Administration, by the operator and all the owners who are entitled to share in the proceeds of the crops on any of the land to be included in the farm, and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops; *Provided*, That land not under the same ownership shall be included in the same farm only if the county committee determines that:

(i) There is one crop rotation system on the entire area of land;

(ii) The yields and productivity of the different ownerships do not vary substantially;

(iii) The combination is not being made for the purpose of increasing acreage allotments or primarily for the purpose of effecting compliance; and

(iv) The several ownership tracts constitute a farming unit for the operator and will be regarded in the community as a farm in 1939.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or, if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(f) The term "acreage allotment of corn for 1939" means that acreage in the commercial corn-producing area determined and established by Sec. 721.102 (the proclamation of corn acreage allotment for the commercial corn-producing area) issued by the Secretary of Agriculture December 30, 1938.¹

(g) The term "county acreage allotment of corn" for the calendar year 1939 means that acreage of corn apportioned to the county by Sec. 721.103 (the determination of county corn acreage allotments and county normal yields of corn for 1939) issued by the Secretary of Agriculture December 30, 1938.

(h) The term "farm corn acreage allotment" means the acreage allotment established for a farm with respect to corn by apportioning the county acreage allotment of corn among all the corn-producing farms in the county.

¹ 4 F. R. 45 DL.

(i) The term "State committee" means the group of persons designated within any State to assist in the administration of the agricultural conservation programs in such State.

(j) The term "county committee" means the group of persons elected within any county to assist in the administration of the agricultural conservation programs in such county.

(k) The term "local committee" means any committee, whether or not a county committee, utilized under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended.*

Done at Washington, D. C. this 20th day of January 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-254; Filed, January 21, 1939;
12:35 p. m.]

TITLE 14—CIVIL AVIATION

CIVIL AERONAUTICS AUTHORITY

[Amendment No. 1 to Regulation 409-A-1]

APPROVALS OF INTERLOCKING RELATIONSHIPS

At a session of the Civil Aeronautics Authority, held at its office in Washington, D. C. on the 20th day in January 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 409 (a) thereof, and finding it necessary, in order to effectuate the purposes of the Act, the Civil Aeronautics Authority hereby makes and promulgates the following amendment to Regulation 409-A-1:

Regulation 409-A-1 is hereby amended in the following respect:

By amending section (d) thereof to read as follows:

"(d) *Affiliated Companies.*—In the event that an individual occupies or seeks to occupy an interlocking relationship falling within the purview of section 409 (a) of the Act, which involves only the holding by him of the position of officer or director in two or more companies within the same system of affiliated companies (as hereinafter defined), an application for approval of such relationship shall comply with the requirements of this paragraph and not with the requirements of paragraph (c) of this regulation. Such an application shall contain the following information:

"(1) Such information as is necessary to disclose the fact that the companies in which the individual occupies or seeks to occupy the interlocking relationship are members of the same system of affiliated companies.

*4 F. R. 8 DI.

"(2) A statement that the individual does not occupy or seek to occupy any interlocking relationship falling within the purview of section 409 (a) of the Act, other than the one for which approval is sought.

"(3) Such further information as the applicants respectively deem desirable in order to show that the public interest will not be affected adversely by the approval of such relationship by the Authority.

Such an application shall be filed by the companies in which the individual occupies or seeks to occupy the position of officer or director and it shall not be necessary for the individual to join in or to file a concurrent application with respect thereto. Such an application may cover all interlocking relationships occupied or sought to be occupied by several individuals within the same system of affiliated companies and it shall not be necessary to file a separate application with respect to each such relationship.

"In the event that an individual occupies or seeks to occupy an interlocking relationship falling within the purview of section 409 (a) of the Act which involves not only companies within the same system of affiliated companies but also involves a company or companies outside of said system, an application seeking approval of such relationship shall be filed pursuant to paragraph (c) of this regulation, except that the provisions of clause (6) of paragraph (c) shall not be construed to require a statement of any transactions or arrangements between the companies within the same system of affiliated companies unless such transactions or arrangements also affect the company or companies outside of said system.

"As used in this regulation the term 'system of affiliated companies' shall include only a parent company and those affiliated or subsidiary companies of which it directly or indirectly through one or more intermediate companies, owns the entire beneficial interest in all stocks (other than shares of stock owned by directors solely in order to qualify them legally as directors), bonds, and other evidences of funded indebtedness issued by such affiliated or subsidiary companies."

For the Authority.

[SEAL]

PAUL I. FRIZZELL,
Secretary.

[F. R. Doc. 39-249; Filed, January 21, 1939;
11:23 a. m.]

TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 3502]

IN THE MATTER OF FREDERICK LOESER & COMPANY, INC.

SEC. 3.6 (c) *Advertising falsely or misleadingly—Composition of goods.* Us-

ing, in connection with offer, sale and distribution of fabrics, ladies' wearing apparel, and garments and other like articles of merchandise in interstate commerce, or in District of Columbia, words "Satin", "Taffeta", "Crepe", or any other word or words of similar import to describe or designate any fabric or product not composed wholly of silk, product of cocoon of silk worm, unless said descriptive word or words, if used to designate type of weave or construction, are qualified by use, in immediate connection and conjunction therewith, in letters of at least equal size and conspicuousness, of word or words clearly naming or describing fiber or material from which said fabric or product is made, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Frederick Loeser & Company, Inc., Docket 3502, January 5, 1939]

SEC. 3.6 (c) *Advertising falsely or misleadingly—Composition of goods.* Using, in connection with offer, sale and distribution of fabrics, ladies' wearing apparel and garments and other like articles of merchandise in interstate commerce, or in District of Columbia, word "silk", or term "pure dye", or any other word or words of similar import, to designate or describe fabrics not composed wholly of unweighted silk, product of cocoon of silk worm, unless, in case of fabric or product made in part of unweighted silk and in part of rayon or materials other than such silk, there is used in immediate connection or conjunction therewith, in letters of equal size and conspicuousness, word or words accurately describing, etc., each constituent fiber or material thereof in order of its predominance by weight, beginning with largest single constituent, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Frederick Loeser & Company, Inc., Docket 3502, January 5, 1939]

SEC. 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* SEC. 3.96 (a) (1) *Using misleading name—Goods—Composition.* Using, in connection with offer, sale and distribution of fabrics, ladies' wearing apparel, and garments and other like articles of merchandise in interstate commerce, or in District of Columbia, words "Acetate", "Celanese", "Bemberg", "Seraceta" or "Mallinson", either alone or in combination with any other word or words, as descriptive of garments, fabrics or material not composed wholly of silk, product of cocoon of silk worm, unless immediately accompanied by word or words designating substance, fiber or material other than silk of which said garments, etc., are composed, with designation of each constituent fiber or material thereof in order of its predominance by weight, beginning with largest single constituent, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Frederick Loeser

& Company, Inc., Docket 3502, January 5, 1939]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of January, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered. That the respondent, Frederick Loeser & Company, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of fabrics, ladies' wearing apparel and garments and other like articles of merchandise in interstate commerce, or in the District of Columbia, do forthwith cease and desist from:

1. Using the words "Satin", "Taffeta", "Crepe", or any other word or words of similar import or meaning, to describe or designate any fabric or product which is not composed wholly of silk, the product of the cocoon of the silk worm, unless said descriptive word or words are used to designate the type of weave or construction, in which case such words shall be qualified by using in immediate connection and conjunction therewith, in letters of at least equal size and conspicuousness, a word or words clearly naming or describing the fiber or material from which said fabric or product is made.

2. Using the word "silk", or the term "pure dye", or any other word or words of similar import or meaning, to designate or describe fabrics which are not composed wholly of unweighted silk, the product of the cocoon of the silk worm, provided that, in the case of a fabric or product composed in part of unweighted silk and in part of rayon or a material or materials other than unweighted silk, there is used in immediate connection or conjunction therewith, in letters of equal size and conspicuousness, a word or words accurately describing and designating each constituent fiber or material thereof in the order of its predominance by weight, beginning with the largest single constituent.

3. Using the words "Acetate", "Celanese", "Bemberg", "Seraceta" or "Malinson", either alone or in combination with any other word or words, as descriptive of garments, fabrics or material not composed wholly of silk, the product of the cocoon of the silk worm, unless such words are immediately accompanied by a word or words designating the substance, fiber or material other than silk of which said garments, fabrics or material are composed with designation of each constituent fiber or material thereof in the order of its predominance by weight beginning with the largest single constituent.

It is further ordered. That the respondent, Frederick Loeser & Company, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-248; Filed, January 21, 1939;
11:22 a. m.]

**TITLE 24—HOUSING CREDIT
HOME OWNERS' LOAN
CORPORATION**

**AMENDING THE LOAN SERVICE CHAPTER OF
THE MANUAL**

**CHANGING THE REGULATIONS RELATING TO
THE RESPONSIBILITY OF THE LOAN SERVICE
DIVISION WITH RESPECT TO PROTECTING
THE CORPORATION'S PROPERTY AND
SECURITY AGAINST LOSS ON ACCOUNT OF
TAXES, ASSESSMENTS, OTHER GOVERNMENTAL
LEVIES OR CHARGES, OR GROUND
RENTS**

Be it resolved. That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, Sections 203 and 206 of Chapter II of the Manual are amended respectively as hereinafter provided: Amend the first paragraph of Section 203 to read as follows:

Sec. 203. The Regional Office Loan Service Division shall be divided into the following sections:

1. Control Section
2. Analysis and Review Section
3. Field Supervision Section
4. Partial Release and Property Transfer Section
5. Tax Section

Said Section 203 is further amended by adding at the end thereof the following new paragraphs which are designated and which shall read as follows:

Sec. 203 (k). Under direction of the General Manager it shall be the re-

sponsibility of the Loan Service Division to protect the Corporation against loss of security and, with respect to acquired properties, against penalties and loss of title on account of taxes, assessments, or other governmental levies or charges, and ground rents, and to maintain the necessary records to provide such protection.

Sec. 203 (1). The General Manager shall determine when and how the public records shall be searched for taxes, assessments, or other governmental levies or charges and shall make or cause arrangements to be made for such searches. The Regional Manager is authorized also to cause tax searches to be made for the purpose of protecting the Corporation against loss of title or security on account of such items. Such searches may be made by an employee of the Corporation or by competent and financially responsible tax searching agencies or competent individuals on a basis of reasonable cost per loan. Any contract with any one corporation, firm or individual involving an expenditure of more than \$500.00, or involving an entire State, Division or Territory, must be previously approved by the Board of Directors. The General Manager, or the Regional Manager, is authorized to incur expenses for such searches and for photographing, or otherwise reproducing tax search cards or other records of the Tax Section and to approve the amount and payment thereof.

Sec. 203 (m). The General Manager with advice of the General Counsel may waive the provisions of lien instruments which require the forwarding of tax receipts to the Corporation.

Sec. 203 (n). The General Manager is authorized to direct the payment of any tax, assessment, ground rents or other levies or charges, or the repayment to effect redemption or recovery from any levy, sale, loss or forfeiture resulting from non-payment thereof when in his opinion it is necessary or advisable. With the advice of the General Counsel he is authorized to direct the purchase of bonds or other evidences of indebtedness and to direct the transfer or surrender of same in payment of taxes, assessments, or other levies or charges when payment in such manner is allowed by law, and when he deems such procedure in the interests of the Corporation. The authority granted by this section may be exercised by the Regional Manager under procedure and limitations prescribed by the General Manager, with approval of General Counsel. Such advances shall be repaid in such manner, on such terms, and under such conditions and procedure as the General Manager with the approval of the General Counsel shall prescribe.

Sec. 203 (o). The Tax Section shall furnish information to the Property Management Division from the records of the Tax Section relating to taxes, as-

assessments, other governmental levies or charges, or ground rents on properties under the jurisdiction of that Division as the Regional Manager may direct. Unless otherwise instructed by the Regional Manager the Tax Section shall prepare and file schedules or returns with respect to taxes, assessments or other governmental levies or charges on properties under the jurisdiction of the Property Management Division on which the Corporation is required to make such returns. The Tax Section may prepare and file such schedules or returns on the basis of the latest assessed valuation available from the records of the Tax Section, or on the basis customarily used by owners of real estate in the particular community, or on such other basis as the Regional Manager may deem to be appropriate. In jurisdictions where the Corporation is not required to file returns the Tax Section may accept assessed valuation as fixed.

SEC. 203 (p). (1) The Regional Manager, with advice of the Regional Counsel and the State Manager when authorized by the Regional Manager, with advice of the State Counsel may grant consents to home owners to enable them to comply with the necessary requirements to obtain the benefit of moratoria established or declared by proper legislative authority or legal action, relating to taxes, assessments, or other governmental levies or charges under such procedure and limitations as the General Manager with the approval of the General Counsel shall prescribe.

(2) The Regional Manager, and the State Manager when authorized by the Regional Manager, may execute consents to proposed improvements out of which assessments or levies will arise, under such procedure and limitations as the General Manager, with the approval of the General Counsel, shall prescribe.

(3) On properties owned by the Corporation agreements or other instruments required to be executed to permit the payment of taxes or assessments in installments may, when approved by Regional Counsel, be executed by the Regional Manager or by the State Manager with advice of the State Counsel if authorized by the Regional Manager.

Section 206 of Chapter II is amended to read as follows:

(a) The Loan Service Division shall be responsible for causing home owners to pay delinquent taxes, assessments, or other governmental levies or charges or ground rents.

(b) Where the case is not to be handled as an extension and the General Manager considers it in the best interest of the Corporation, he may direct the payment of delinquent taxes, assessments, ground rents or other levies or charges where analysis of the case reasonably shows that the home owner

(1) is at present unable to pay such items and maintain his account in good standing and

(2) can repay such advance within a reasonable time and in any event in a period not exceeding the remaining life of the loan or other contract, and

(3) can maintain his account in good standing and make prompt payment of insurance premiums, taxes, assessments, or other levies and charges, or ground rents as they become due and payable.

Regional Managers may, under procedure and limitations prescribed by the General Manager with the approval of the General Counsel, direct the payment of such items in such cases.

Be it further resolved, That the provisions of this resolution shall be effective October 1, 1938.

Adopted by the Federal Home Loan Bank Board on September 22, 1938.

[SEAL]

R. L. NAGLE,
Secretary.

[F. R. Doc. 39-259; Filed, January 23, 1939;
10:52 a. m.]

RESPONSIBILITY OF PROPERTY MANAGEMENT DIVISION

AMENDING MANUAL SECTION 300

Be it resolved, That pursuant to the authority vested in this Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647), and particularly by Sub-sections a and k of Section 4 of said Act as amended, the first paragraph of Section 300 of the Manual be amended to read as follows:

SEC. 300. The Property Management Division shall be responsible for all matters pertaining to real property securing liens held by the Corporation from the time foreclosure or the acceptance of deed in lieu of foreclosure has been authorized and all matters pertaining to real property acquired by the Corporation, except that the responsibility for protecting the Corporation against loss of security and, with respect to acquired properties, against penalties and loss of title on account of unpaid taxes, assessments, other governmental levies or charges, and ground rents is placed upon the Loan Service Division. The responsibility of the Property Management Division shall include the sale, rental, collection of rents, maintenance, repairs, reconditioning, rehabilitation, rebuilding, enlargement, demolition and periodic inspections of such properties. The Property Management Division shall recommend to the Regional Manager that action be taken for the reduction of assessed valuations placed for purposes of taxation upon properties under its jurisdiction when such valuations appear to be so excessive as to warrant the expense of such action. The Regional Manager may direct action to be taken for the reduction of assessed valuations under procedure prescribed by the Gen-

eral Manager, with the approval of the General Counsel.

Be it further resolved, That the last paragraph of Section 300 be amended by substituting at the end of said paragraph the words "Chapter II" in lieu of the words "Chapter VI".

And be it further resolved, That this resolution shall become effective on October 1, 1938.

Adopted by the Federal Home Loan Bank Board on September 22, 1938.

[SEAL]

R. L. NAGLE,
Secretary.

[F. R. Doc. 39-260; Filed, January 23, 1939;
10:52 a. m.]

TITLE 25—INDIANS

OFFICE OF INDIAN AFFAIRS

TEMPORARY WITHDRAWAL OF PUBLIC DOMAIN

MODIFYING NEW MEXICO GRAZING DISTRICT
NO. 2 AND DEPARTMENTAL WITHDRAWAL
OF OCTOBER 11, 1934

DECEMBER 23, 1938.

By virtue of and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), it is ordered that Departmental order of March 27, 1936,¹ as modified by order of February 23, 1937, establishing New Mexico Grazing District No. 2, be, and it is hereby, modified to exclude therefrom township 6, ranges 6 to 11, inclusive, township 7, ranges 6, 9 and 10, and township 8, ranges 9 and 10, all north and west of the New Mexico Principal Meridian in New Mexico. It is further ordered that Departmental withdrawal of October 11, 1934, made pursuant to authority found in section 4 of the act of March 3, 1927 (44 Stat. 1347), temporarily withdrawing certain public domain for exchange purposes as contemplated by the act of March 3, 1921 (41 Stat. 1225-1239) is hereby modified to exclude therefrom the above described townships and under authority of section 4 of the act of March 3, 1927, supra, all public domain within said townships is hereby temporarily rewithdrawn from settlement, location, sale, entry or other form of disposition in aid of proposed legislation to add the said land to the Indian reservation contiguous thereto. Pending the enactment of such legislation the Commissioner of Indian Affairs is hereby authorized to administer all public lands within the area above described.

This order is subject to all valid existing rights.

HARRY SLATTERY,
Acting Secretary.

[F. R. Doc. 39-246; Filed, January 21, 1939;
10:23 a. m.]

¹ 1 F. R. 110.

TITLE 29—LABOR CHILDREN'S BUREAU

[Regulation No. 1-B]

CHILD-LABOR REGULATIONS

EXTENSION OF TEMPORARY CERTIFICATES OF AGE REGULATION

By virtue of and pursuant to the authority conferred by section 3 (1) and section 11 (b) of the Fair Labor Standards Act of 1938 (52 Stat. 1060) the following regulation is hereby issued for the purpose of extending the effective period of Regulation No. 1-A, entitled "Temporary Certificates of Age," for the period of 90 days from January 23 until April 24, 1939.

Authority for Regulation

SEC. 3 (1) OF THE ACT

* * * oppressive child labor shall not be deemed to exist by virtue of the employment in any occupation of any person with respect to whom the employer shall have on file an unexpired certificate issued and held pursuant to regulations of the Chief of the Children's Bureau certifying that such person is above the oppressive child-labor age.

SEC. 11 (B) OF THE ACT

With the consent and cooperation of State agencies charged with the administration of State labor laws, the Administrator and the Chief of the Children's Bureau may, for the purpose of carrying out their respective functions and duties under this Act, utilize the services of State and local agencies and their employees and, notwithstanding any other provision of law, may reimburse such State and local agencies and their employees for services rendered for such purposes.

Temporary Certificates of Age

Child Labor Regulation No. 1-A, issued October 14, 1938, entitled "Temporary Certificates of Age" is hereby amended by extending the effective period for the acceptance of temporary certificates of age, as provided in the said regulation, for a period of 90 days; that is, until April 24, 1939.

[SEAL] KATHARINE F. LENROOT,
Chief.

[F. R. Doc. 39-247; Filed, January 21, 1939;
11:20 a. m.]

TITLE 36—PARKS AND FORESTS NATIONAL PARK SERVICE

ORDER DESIGNATING THE HOMESTEAD NATIONAL MONUMENT OF AMERICA

Whereas pursuant to the Act of March 19, 1936 (49 Stat. 1184), the Secretary of the Interior was authorized and directed to acquire on behalf of the United States the S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ NE $\frac{1}{4}$, section 26, township 4 north, range 5 east, Sixth Principal Meridian, Gage County, Nebraska, to be designated as "The Homestead National Monument of America;" and

Whereas the United States has acquired the above-mentioned lands:

Now, therefore, I, Harry Slattery, Acting Secretary of the Interior, under and by virtue of the authority conferred upon the Secretary of the Interior by the said Act of Congress approved March 19, 1936, do hereby designate the following described lands to be "The Homestead National Monument of America."

SIXTH PRINCIPAL MERIDIAN Nebraska

T. 4 N., R. 5 E.,
sec. 26, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and
SW $\frac{1}{4}$ NE $\frac{1}{4}$.

The administration, protection, and development of this national monument shall be exercised by the National Park Service in accordance with the provision of the Act of March 19, 1936, *supra*.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, deface or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, in the City of Washington this 3rd day of January 1939.

HARRY SLATTERY,
Acting Secretary.

[F. R. Doc. 39-255; Filed, January 23, 1939;
10:32 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF VETERANS' ADMINISTRATION

DISPOSITION OF PERSONAL PROPERTY OF DECEDENTS OTHER THAN VETERANS LEFT UPON PREMISES USED AS A VETERANS ADMINISTRATION FACILITY

SEC. 44815 *Inventory of property.* (A) Immediately upon the death in a Veterans Administration facility subject to the exclusive jurisdiction of the United States, of a person who was not admitted as a veteran or immediately after it is ascertained that any such person has absented himself from such a facility, a survey and inventory of the personal effects and funds of such deceased or absent person will be made in the manner prescribed in Sec. 44803 (a).

(B) The inventory showing detailed description of all personal effects and of all funds on deposit or on the person in deceased cases, will be transmitted promptly to the director of finance, attention accounting division, central office. The effects, properly identified and safeguarded by the supply officer will be retained in the facility pending central office instructions as to disposition.

(C) All funds found among the effects of the persons indicated in paragraph (A) of this section will be scheduled to the agent cashier by the manager for deposit in the Treasury De-

partment in account "Personal Funds of Patients." All funds to the credit of such persons in the account "Personal Funds of Patients" will then be transmitted to central office for disposition. (January 23, 1939. 52 Stat. 1189-1193; 38 U. S. C. 16-16-J)

SEC. 44816 *Action on inventory and funds.* (A) The director of finance will as promptly as possible after the receipt of the inventory instruct the manager as to the disposition of personal effects and will dispose of the funds.

(B) In making disposition of the effects and funds the director of finance will authorize payment of the funds to the owner if living and the release of the effects to him or as directed by him, provided that if he is incompetent and has a guardian the effects and funds will be released to such guardian. If the decedent left a last will and testament probated under the laws of the place of his last legal domicile or under the laws of the State, territory, insular possession, or dependency, within which the facility or a part thereof may be, the personal property of such decedent situated upon such premises will be released to the executor pursuant to the instructions of the director of finance. If such person left on said premises effects or funds not disposed of by a will probated in accordance with the provisions of this section, such property shall be released to the administrator, if one has been appointed.

(C) In those cases where there is neither an administrator nor an executor the effects and funds will be released to the person entitled to inherit the personal property of the decedent under the intestacy laws of the State where the decedent was last domiciled pursuant to the instruction of the director of finance. (January 23, 1939.) (52 Stat. 1189-1193; 38 U. S. C. 16-16-J)

SEC. 44817 *Unclaimed effects to be sold.* (A) Personal effects of persons referred to in Sec. 44815 (a) which remain unclaimed for ninety days after the death or departure of the owner shall be sold in the manner provided by Sec. 44808 after authority therefor shall have been given by the director of finance. The owner, his personal representative, or next of kin may reclaim any such property upon request therefor at any time prior to the sale.

(B) Any unclaimed funds and the proceeds of any effects sold as unclaimed will be deposited to the General Post Fund subject to be reclaimed within five years after notice of sale, by or on behalf of any person or persons who if known would have been entitled to the property prior to the sale. (January 23, 1939.) (52 Stat. 1189-1193; 38 U. S. C. 16-16-J)

SEC. 44818 *Personal effects of enrollees in, or officers and enlisted men of, the Civilian Conservation Corps who die in facilities.* Such personal effects, including currency, will be disposed of

in accordance with War Department Regulations, December 1, 1937, Paragraph 48-e, which provides that:

"The effects of deceased enrollees and of former enrollees who die while undergoing hospitalization under the provisions of paragraph 117 will be disposed of as follows:

"The company commander, or such person as he may designate, will secure the decedent's effects and will deliver them to the legal heirs or their representatives. Should the effects not be claimed within a reasonable period of time, the company commander or person designated by him will deliver the effects, with all available useful information concerning the decedent, to the person designated by the judicial officer of the local civil Government having jurisdiction over estates of deceased persons. In all cases receipts will be obtained and forwarded through the Corps Area Commander to the Adjutant General with a complete report of the action taken."

The manager of the Veterans' Administration facility in which the death of any such patient occurs will immediately notify the immediate commanding officer of the deceased, and will cooperate with him, at no expense to the Veterans' Administration, in carrying out the said provisions of War Department Regulations. (January 23, 1939.) (52 Stat. 1189-1193; 38 U. S. C. 16-16-J)

[SEAL] FRANK T. HINES,
Administrator.

[F. R. Doc. 39-252; Filed, January 21, 1939;
11:56 a. m.]

TITLE 47—TELECOMMUNICATION

FEDERAL COMMUNICATIONS COMMISSION

COMMISSION ORDER NO. 18 AND RULE 229 AMENDED

The Commission on January 16, 1939 amended Commission Order No. 18 and Rule 229 (C. F. R. No. 23.03) *# to read as follows:

ik 2204	} 2206 ship harbor and government
hik	
ik 2208	
2212 forestry	
* 2216 government	
* 2232 government	
2236 forestry	
j 2240 government	
2244 forestry	
j 2248 government	

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION.

By T. J. SLOWIE, Secretary.

[F. R. Doc. 39-256; Filed, January 23, 1939;
10:34 a. m.]

* F. C. R. No. 23.03 issued under authority contained in Sec. 4 (1), 48 Stat. 1066; 47 U. S. C. 154 (1).

Promulgated by F. C. C. as Order No. 18 on October 13, 1937 (C. F. R. No. 23.03.)

FORESTRY STATION FREQUENCIES

AMENDMENT

The Commission on January 16, 1939 amended Sec. 111.26,¹ Title 47, Chapter X, to read as follows:

SEC. 111.26*# Forestry stations. The following frequencies are allocated to forestry stations:

(a)

30940 kc	31340 kc	31580 kc	31940 kc
35740 kc	35940 kc	37460 kc	39420 kc
39740 kc	39940 kc		

(b)

2212* kc 2236* kc 2244* kc

* Subject to the condition that no interference is caused to Canadian stations.

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION.

By T. J. SLOWIE, Secretary.

[F. R. Doc. 39-257; Filed, January 23, 1939;
10:34 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administra- tion.

PROCLAMATION CONCERNING BASE PERIOD TO BE USED IN CONNECTION WITH EXECUTION OF MARKETING AGREEMENT AND ISSUANCE OF AN ORDER REGULATING HANDLING OF MILK IN LOWELL-LAWRENCE, MASSACHUSETTS MILK MARKETING AREA

By virtue of the authority vested in the Secretary of Agriculture by the terms and provisions of Public Act No. 10, 73d Congress, as amended, and as reenacted and further amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), the Secretary of Agriculture hereby finds and proclaims that in connection with the execution of a marketing agreement and the issuance of an order regulating the handling of milk in the Lowell-Lawrence, Massachusetts Milk Marketing Area, the purchasing power of such milk during the base period August 1909 to July 1914 cannot be satisfactorily determined from available statistics in the Department of Agriculture, but that the purchasing power of such milk can be satisfactorily determined from available statistics in the Department of Agriculture for the period August 1925 to July 1929; and the period August 1925 to July 1929 is hereby found and proclaimed to be the base period to be used in connection with ascertaining the purchasing power of milk handled in the Lowell-Lawrence, Massachusetts Milk Marketing Area, for the purpose of the execution of a marketing agreement and the issuance

* Issued under the authority contained in Sec. 303 (c), 48 Stat. 1082, 47 U. S. C. 303 (c).
Promulgated by F. C. C. on June 22, 1938, as Sec. 111.26 C. F. R.

¹ 3 F. R. 1735 DI.

of an order regulating the handling of said milk in that area.

In testimony whereof, the Secretary of Agriculture has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 21st day of January 1939.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-261; Filed, January 23, 1939;
12:19 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF DETERMINATION DENYING APPLICATIONS FOR PERMISSION TO EMPLOY LEARNERS IN THE PECAN SHELLING INDUSTRY AT WAGES LOWER THAN APPLICABLE MINIMUM SPECIFIED

Whereas, the Southern Pecan Shelling Company and sundry other parties pursuant to Part 522 (Regulations applicable to the Employment of Learners pursuant to Section 14 of the Fair Labor Standards Act) made application for permission to employ learners in the pecan shelling industry at wages lower than the applicable minimum wage specified in Section 6 of the Act; and

Whereas, a hearing¹ on said application was held before Merle D. Vincent, the representative of the Administrator of the Wage and Hour Division, duly authorized to conduct the said hearing and to determine—

(a) what, if any occupation or occupations in the pecan shelling industry require a learning period, and

(b) whether it is necessary in order to prevent curtailment of opportunities for employment, to provide for the employment of persons in occupations requiring a learning period at wage rates lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938, and

(c) if such necessity is found to exist, to determine at what wages lower than the minimum wage applicable under Section 6 such employment of learners shall be permitted, and with what limitations as to time, number, proportion and length of service.

and

Whereas, following such hearing the said Merle D. Vincent duly made his findings of fact and determined as follows:

"(a) That it is not necessary, in order to prevent curtailment of opportunities for employment, to provide by regulations or orders for the employment of learners in the pecan shelling industry at wages lower than the minimum wage applicable under Section 6; and

"(b) That the Administrator is therefore not authorized by Section 14 of the

¹ 3 F. R. 2908 DI.

Act to provide by regulations or orders for the employment of learners in the pecan shelling industry at wages lower than the minimum wage applicable under Section 6 of the Act."

and therefore denied the applications; and

Whereas, said Findings and Determination was duly filed with the Administrator on January 20, 1939, and is now on file in his office, Room 5144, Department of Labor Building, Washington, D. C., and available for examination by all interested parties:

Now, therefore, pursuant to the provisions of Section 522.9 of the aforesaid regulations,² notice is hereby given that any person aggrieved by the said determination may, within fifteen days after the date this notice appears in the Federal Register file petitions with the Administrator requesting that he review the determination of the said representative.

ELMER F. ANDREWS,
Administrator.

[F. R. Doc. 39-262; Filed, January 23, 1939; 12:47 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-117]

APPLICATION OF TEXAS GAS UTILITIES COMPANY

ORDER POSTPONING HEARING

JANUARY 20, 1939.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

It appearing to the Commission that:

Texas Gas Utilities Company has requested postponement of the public hearing in the above cause now assigned to be held on January 27, 1939, in accordance with the order of the Commission adopted on January 12, 1939;³ and for good reason shown;

The Commission orders that:

The public hearing in the above cause now set for January 27, 1939, be and the same is hereby postponed to February 6, 1939, at the same time and place.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-245; Filed, January 21, 1939; 10:23 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its

² 3 F. R. 2485 DI.

³ 4 F. R. 246 DI.

office in the City of Washington, D. C. on the 19th day of January 1939.

[File Nos. 7-344-1 to 7-347-1, inc.; 7-354-1, 7-358-1, 7-360-1 to 7-364-1, inc.]

IN THE MATTER OF APPLICATIONS BY THE BOSTON STOCK EXCHANGE TO EXTEND UNLISTED TRADING PRIVILEGES IN ROUND-LOTS TO ARMOUR & CO. (ILL.), COMMON STOCK, \$5 PAR VALUE; ATLANTIC COAST LINE RAILROAD CO., COMMON STOCK, \$100 PAR VALUE; BETHLEHEM STEEL CORP. (DEL.), COMMON STOCK, NO PAR VALUE; EDWARD G. BUDD MFG. CO., COMMON STOCK, NO PAR VALUE; GENERAL TELEPHONE CORP., COMMON STOCK, \$20 PAR VALUE; THE STUDEBAKER CORP., COMMON STOCK, \$1 PAR VALUE; SWIFT & CO., CAPITAL STOCK, \$25 PAR VALUE; SWIFT INTERNATIONAL, LTD., DEPOSIT CERTIFICATES OF BEARER SHARE CERTIFICATES, PAR VALUE 15 ARGENTINE GOLD DOLLARS; UNITED AIRCRAFT CORP., CAPITAL STOCK, \$5 PAR VALUE; UNITED AIR LINES TRANSPORT CORP., CAPITAL STOCK, \$5 PAR VALUE; WALWORTH CO., COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING

The Boston Stock Exchange, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges in round-lots to the above-mentioned securities; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Wednesday, February 15, 1939, at the office of the Securities and Exchange Commission, 82 Devonshire Street, Boston, Massachusetts, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Frank Kopelman, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-250; Filed, January 21, 1939; 11:27 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its

office in the City of Washington, D. C., on the 19th day of January 1939.

[Files Nos. 7-348-1 to 7-353-1, inc.; 7-355-1 to 7-357-1, inc.; 7-359-1, 7-365-1]

IN THE MATTER OF APPLICATIONS BY THE BOSTON STOCK EXCHANGE TO EXTEND UNLISTED TRADING PRIVILEGES TO CLIMAX MOLYBDENUM CO., COMMON STOCK, NO PAR VALUE; COLGATE-PALMOLIVE-PEET CO., COMMON STOCK, NO PAR VALUE; CROWN CORK & SEAL CO., INC., COMMON STOCK, NO PAR VALUE; CRUCIBLE STEEL CO. OF AMERICA, COMMON STOCK, \$100 PAR VALUE; DISTILLERS CORP.-SEAGRAMS LTD., COMMON STOCK, NO PAR VALUE; FOSTER WHEELER CORP., COMMON STOCK, \$10 PAR VALUE; THE GREYHOUND CORP., COMMON STOCK, NO PAR VALUE; LOCKHEED AIRCRAFT CORP., CAPITAL STOCK, \$1 PAR VALUE; GLENN L. MARTIN CO., COMMON STOCK, \$1 PAR VALUE; SUNSHINE MINING CO., COMMON STOCK, 10¢ PAR VALUE; THE WHITE MOTOR CO., COMMON STOCK, \$1 PAR VALUE

ORDER SETTING HEARING

The Boston Stock Exchange, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Wednesday, February 15, 1939, at the office of the Securities and Exchange Commission, 82 Devonshire Street, Boston, Massachusetts, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine; and that general notice thereof be given; and

It is further ordered, That Frank Kopelman, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-251; Filed, January 21, 1939; 11:27 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of January, A. D. 1939.

[File No. 32-125]

IN THE MATTER OF LEXINGTON WATER
POWER COMPANY AND SOUTHEASTERN
INVESTING CORPORATIONORDER CONSENTING TO THE WITHDRAWAL OF
AN APPLICATION PURSUANT TO REQUEST OF
APPLICANT

Lexington Water Power Company, having on December 8, 1938, filed applications pursuant to sections 6 (b) and 10 (a) (1) of the Public Utility Holding Company Act of 1935, and

Southeastern Investing Corporation having filed on the same date an application pursuant to section 10 (a) (1) of the Act and on January 5, 1939 an application pursuant to section 12 (f) of the Act and Rule U-12F-1 promulgated pursuant thereto, and

Said companies having on January 17 and 19, 1939, by letters dated January 16 and 19, 1939, respectively, requested that they be permitted to withdraw said applications;

It is ordered that upon the request of the applicants, the Commission consents to the withdrawal of the above named applications, and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-258; Filed, January 23, 1939;
10:52 a. m.]

United States of America—Before the
Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its offices in the City of Washington, D. C., on the 19th day of January, A. D. 1939.

[File No. 1-2964]

IN THE MATTER OF PROCEEDING UNDER
SECTION 19 (a) (2) OF THE SECURITIES
EXCHANGE ACT OF 1934, AS AMENDED, TO
DETERMINE WHETHER THE REGISTRATION
OF TRANSAMERICA CORPORATION CAPITAL
STOCK, \$2 PAR VALUE SHOULD BE SUS-
PENDED OR WITHDRAWN

ORDER AMENDING ORDER FOR HEARING

It is ordered that the order designated "Order for hearing and designating officer to take testimony" issued in the above entitled cause,¹ and authorized by

¹ 3 F. R. 2809 DI.

the Commission on the 22nd day of November 1938 be, and the same is, hereby amended by adding at the end of Item I thereof the following paragraph to be designated as Item I-A:

I-A. Item 24 of Form 24 requires the registrant to indicate any business, vocation or employment of a substantial nature, other than with the registrant, in which each director or officer of the registrant is engaged for his own account or as a director, officer, employee, partner or trustee.

The Commission has reasonable grounds to believe that during the years 1935, 1936 and 1937 A. P. Giannini held a substantial amount of the capital stock of Pacific Coast Mortgage Company; that during those years he was an officer and director of that corporation, and exercised control over it either alone or in concert with one A. O. Stewart; that during those and other years the principal business of Pacific Coast Mortgage Company was its extensive purchases and sales of the capital stock of Transamerica Corporation; that during the year 1936 Pacific Coast Mortgage Company purchased approximately 493,012 shares of such stock at an average price of approximately \$11.30 per share; that during the year 1936, Pacific Coast Mortgage Company sold approximately 493,012 shares of capital stock of Transamerica Corporation at a sales price of approximately \$14.30 per share, resulting in an aggregate profit of some \$1,629,941.34; that the sales and purchases of the foregoing shares occurred within a period of less than six months from the date of the purchases and sales, respectively, of such shares; that of the profit of \$1,629,941.34 realized by Pacific Coast Mortgage Company in 1936 from the purchases and sales of the capital stock of Transamerica Corporation referred to above, A. P. Giannini received during the year 1936, in the form of dividends as a stockholder of Pacific Coast Mortgage Company, the sum of approximately \$140,000, and that in addition, A. P. Giannini received on account of stock of Pacific Coast Mortgage Company held by him in trust the further and additional sum of approximately \$265,000; that during the years 1935, 1936 and 1937, A. P. Giannini received in the foregoing manner an aggregate of approximately \$350,000 as dividends from Pacific Coast Mortgage Company, which dividends represented profits of Pacific Coast Mortgage Com-

pany derived from its trading in the capital stock of Transamerica Corporation in the manner described above; that the realization of such profits by Pacific Coast Mortgage Company through the purchases and sales of the capital stock of Transamerica Corporation in such manner were rendered possible by the special knowledge of the affairs of Transamerica Corporation acquired by A. P. Giannini as chairman of the board of directors of Transamerica Corporation, which special knowledge was imparted to Pacific Coast Mortgage Company by A. P. Giannini to enable Pacific Coast Mortgage Company to realize such profits.

It appears to the Commission that the failure to disclose Pacific Coast Mortgage Company as a business of a substantial nature in which A. P. Giannini is engaged for his own account or as a director or officer renders registrant's response to Item 24 materially misleading.

It is further ordered that the said order designated "Order for Hearing and Designating Officer To Take Testimony" be, and the same is, hereby amended by adding to the end of Item II thereof the following paragraph:

It further appears to the Commission that, by reason of the facts set forth above in Item I-A, Transamerica Corporation became and was entitled, pursuant to the provisions of Section 16 (b) of the Securities Exchange Act of 1934 to recover the moneys so received by A. P. Giannini from Pacific Coast Mortgage Company; that by reason of the fact that A. P. Giannini was chairman of the board of directors of Transamerica Corporation, Transamerica Corporation has refrained from taking any action to recover such moneys; that it therefore appears to the Commission that the failure to disclose these facts in Items 28 and 29 renders registrant's response to these items materially misleading.

It is further ordered that a copy of this order be served upon counsel for the registrant eight days prior to the time the matter covered in this order is made the subject of inquiry in the hearing pending before the Trial Examiner, Henry Pitts, Esq., in this proceeding.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-263; Filed, January 23, 1939;
12:48 p. m.]

